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**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

MARCO VERCH,

Plaintiff,

v.

MY SOCIAL PRACTICE LLC,

Defendant,

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)**

JURY DEMANDED

Case No. 2:23-cv-00817

Judge _____

Plaintiff MARCO VERCH by and through his undersigned counsel, brings this Complaint against Defendant MY SOCIAL PRACTICE LLC for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff MARCO VERCH (“Verch”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Verch's original copyrighted Work of authorship.

2. Verch is a photographer from Cologne, Germany. He has been working as a photographer for many years and enjoys taking pictures of scenery from his travels, sporting

events, food, flowers, cars, drones and more. He also takes photos for advertisements and fundraising campaigns.

3. Defendant MY SOCIAL PRACTICE LLC (“MSP”) is a dental marketing company located in Salt Lake City, Utah. MSP offers website creation and management, SEO, reputation management and social media marketing to its clients. According to its Website, MSP has "over 45 years of collective experience in the dental industry...and played a crucial role in the digital transformation of over 6,300 dental practices worldwide." Its clients include Smiles for Life Foundation, Fortune Management, Midway Education Center, Catapult Education, Dental Endonomics, Catapult Education, Ultradent Products, Inc. and more.

4. Verch alleges that MSP copied Verch’s copyrighted Work from the internet in order to advertise, market and promote its business activities. MSP committed the violations alleged in connection with MSP’s business for purposes of advertising and promoting sales to the public in the course and scope of the MSP's business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. MSP is subject to personal jurisdiction in Utah.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, MSP engaged in infringement in this district, MSP resides in this district, and MSP is subject to personal jurisdiction in this district.

DEFENDANT

9. My Social Practice LLC is a Utah Limited Liability Company, with its principal place of business at 2701 Milo Way, Holladay, Utah, 84117 and can be served by serving its Registered Agent, Mr. Adrian Lefler at the same address.

THE COPYRIGHTED WORK AT ISSUE

10. In 2019, Verch created the photograph entitled “A-man-uses-dental-floss-to-clean-his-teeth,” which is shown below and referred to herein as the “Work”.



11. Verch registered the Work with the Register of Copyrights on February 25, 2020, and was assigned registration number VA 2-197-091. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. Verch's Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times Verch was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY MSP

14. MSP has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, MSP copied the Work.

16. On May 18, 2022, Verch discovered the unauthorized use of his Work on at least seventeen (17) separate dental practice Facebook page posts, all of which were posted on December 23, 2020. The dental practice names and Facebook accounts are listed in the table below:

DENTAL PRACTICE NAME	FACEBOOK ACCOUNT NAME
Aspen Dental of Cache Valley	AspenDentalOfCacheValley
Benedict Orthodontics	benedictorthofishers
Comfort Care Dental	mycomfortcaredental
Dekamore Dental	dekamoredental
Dental Odyssey	Dental-Odyssey-182698138417226
Endotonic Specialists of Wisconsin, S.C. Kenosha	KenoshaEndo
Gentle Dental of Siloam Springs	GentleDentalofSiloamSprings
Hammond Dental Group	hammonddentalt Tyler
Lauren Cai Orthodontics	laurencaiorthodontics
Lombard Dental Studio	LombardDentalStudio
Midtown Dental	RaleighMidtownDental
Muench Orthodontics	MuenchOrthodontics
New England Dental Group	NewEnglandDentalGroup
Oral Health Center	OralHealthCenter
Rangel Dental	RangelDMD
Spring District Family Dentistry	springdistrictdentist
The Endodontic Group	The-Endodontic-Group

17. MSP copied Verch's copyrighted Work without Verch's permission.

18. After MSP copied the Work, it made further copies and distributed the Work on the internet via Facebook to promote the sale of goods and services for the above-named dental practices as part of its social media services.

19. MSP copied and distributed Verch's copyrighted Work in connection with MSP's business for purposes of advertising and promoting MSP's business, and in the course and scope of advertising and selling products and services for its customers.

20. Verch's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

21. MSP committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

22. Verch never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

COUNT I
COPYRIGHT INFRINGEMENT

23. Verch incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.

24. Verch owns a valid copyright in the Work at issue in this case.

25. Verch registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

26. MSP copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Verch's authorization in violation of 17 U.S.C. § 501.

27. MSP performed the acts alleged in the course and scope of its business activities.

28. Defendant's acts were willful.

29. Verch has been damaged.

30. The harm caused to Verch has been irreparable.

RELIEF REQUESTED

WHEREFORE, the Plaintiff MARCO VERCH prays for judgment against the Defendant MY SOCIAL PRACTICE LLC that:

- a. MSP and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;
- b. MSP be required to pay Verch his actual damages and Defendant's profits attributable to the infringement, or, at Verch's election, statutory damages, as provided in 17 U.S.C. § 504;
- c. Verch be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Verch be awarded pre- and post-judgment interest; and
- e. Verch be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Verch hereby demands a trial by jury of all issues so triable.

DATED: November 7, 2023

Respectfully submitted,

/s/ Karthik Nadesan

NADESAN BECK P.C.

Karthik Nadesan

Michael Beck

Attorneys for Plaintiff Marco Verch